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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,426	07/22/2003	Makoto Utsumi	FUJI:266	6435

7590 08/25/2005

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EXAMINER

GARRETT, DAWN L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,426

Applicant(s)

UTSUMI ET AL.

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-13 and 16-19 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action is responsive to the amendment dated June 22, 2005. Claims 1, 3, and 4 have been amended. Claims 8-19 have been newly added. Claims 1-19 are pending.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. The objection set forth in the last Office action (mailed March 23, 2005), paragraph 1, is withdrawn due to the amendment.
4. The rejection of claim 1 under 35 USC 112, second paragraph set forth in the last Office action, paragraph 4 is withdrawn due to the amendment. The examiner notes that the added limitation in amended claim 4 is only drawn to the insulating film when it is a “plurality of insulating films”. If applicant intended to also include the scenario when there is one insulating film, then “each of said plurality of insulating films” should be changed to “one or a plurality of insulating film(s)”.
5. Claims 1-5 are again rejected under 35 U.S.C. 102(a) as being anticipated by Kobayashi et al. (JP 2001-052866 A). Kobayashi et al. discloses organic emitting elements comprising a fluorescence conversion filter (see title). The figure shows a transparent substrate (2) that reads upon the “transparent supporting substrate” (see figures and par. 44). Multiple filter layers are patterned onto the substrate (see figures and par. 44). The filter layers read upon the “color-converting/ filter layers”. The filter layers are comprised of fluorescent dyes such as coumarin in a resin (see par. 47). The thickness is 20 micrometers or less (see par. 29). The filter layers are coated with a UV hardened resin as a protective layer (3), which reads upon the “polymeric film

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layer” (see par. 50). The protective layer (3) is coated with an inorganic layer of SiO_2 , which reads upon the insulating component of the “inorganic film layer” (see par. 50). A transparent indium tin oxide (ITO) anode layer is sputtered on top of the inorganic SiO_2 layer (see par. 52). The anode layer reads upon the metallic portion of the “inorganic film layer”.

6. The rejection of claim 6 under 35 USC 102(a) as being anticipated by Kobayashi et al. (JP 2001-052866 A) is withdrawn. Kobayashi et al. does not teach or render obvious both a metallic film and an electrode layer in an EL display as specifically required by claim 6.

7. Claims 1-5 are again rejected under 35 U.S.C. 102(e) as being anticipated by Tomiuchi et al. (US 6,506,506). Tomiuchi discloses organic light-emitting devices comprising fluorescent color conversion filters (see title). The Tomiuchi device comprises a transparent substrate (5), color conversion film (1) (formed of a fluorescent dye in a matrix resin such as a photo-setting resin, see col. 9, lines 29-40), multiple filters (2)/(3)/(4), protective layer (6), inorganic layer (7) and an anode layer (8) (see Figure 2). The transparent substrate reads upon the “transparent supporting substrate”. The color conversion film/filter reads upon the “color-converting filter layers”. The protective layer (6) reads upon the “polymeric film layer” as it is comprised of resin (see col. 10, lines 22-32). The inorganic layer (7) reads upon the insulating film component of the “inorganic film layer”, because the insulating film comprises SiO_2 (see col. 10, lines 33-41). The anode layer (8) reads upon the metallic film component of the “inorganic film layer”. The anode layer is formed by sputtering transparent (ITO), indium tin oxide (see col. 13, lines 28-30). The fluorescent color conversion filters (i.e. (1) + (2) layers) have a thickness of 7 micrometers (see col. 13, line 2). Tomiuchi discloses a fluorescent color conversion layer may be used with

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each filter layer, although the conversion layer (1) is not shown with (3) and (4) in the figures (see col. 9, lines 49-53).

8. The rejection of claim 6 under 35 U.S.C. 102(e) as being anticipated by Tomiuchi et al. (US 6,506,506) is withdrawn. Tomiuchi et al. does not teach or render obvious both a metallic film and an electrode layer in an EL display as specifically required by claim 6.

Allowable Subject Matter

9. Claims 6-13 and 16-19 allowed. Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The closest prior art is considered to be Kobayashi et al. (JP 2001-052866) and Tomiuchi et al. (US 6,506,506). Although both references teach silicon oxide layers, they fail to teach a metallic film used in combination with the silicon oxide layer to form the inorganic layer of an electroluminescent device as required. Furthermore, they fail to teach a plurality of layers as the inorganic layer for a substrate as specifically required by dependent claims 14 and 15.

Response to Arguments

10. Applicant's arguments filed June 22, 2005 have been fully considered but they are not persuasive. Since claims 1-5 are drawn to a substrate not requiring either an electrode layer for a device or a plurality of the inorganic layers, the anode layers described by both Kobayashi et al. and Tomiuchi et al. are considered to render obvious the "metallic layer" of claims 1-5. Applicant's argument with regard to claim 6 requiring both a metallic layer and a first electrode layer was found persuasive. The prior art rejections over claims 1-5 are respectfully maintained.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571)272-1523. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached at (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is now (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dawn Garrett
Primary Examiner
Art Unit 1774

D.G.
August 22, 2005